

Serial No.: 10/717,630
Atty. Docket No.: P68978US0

REMARKS

The Office Action mailed May 30, 2006, has been carefully reviewed and, to facilitate prosecution, Applicant requested a personal interview which was conducted by Examiner Daniels and his supervisor, Examiner Christina Johnson, on July 18, 2006. Applicant was represented by Bobby Mann, as well as Applicant's representatives, Harvey B. Jacobson, Jr. and Suzin Bailey. Applicant sincerely thanks both Examiners for their time and cordiality in conducting the interview.

In preparation for the interview, Applicant provided the Examiner (via facsimile) with a completed Applicant Initiated Interview Request Form including a brief description of the comments to be presented during the interview. These comments were responsive to the Examiner's rejections under 35 U.S.C. 103(a). Specifically, in the Office Action the Examiner rejected claims 1, 3, 4, 7, 8, and 16-28 under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 3,544,525 to Balint in view of U.S. Publication No. 2005/0056961 to Bonner. Also under 35 U.S.C. 103(a), the Examiner rejected claim 2 as being unpatentable over Balint in view of Bonner and further in view of U.S. Patent No. 5,633,018 to Stouffer, and rejected claims 5 and 6 as being unpatentable over Balint in view of Bonner and further

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in view of U.S. Patent No. 4,632,752 to Hunke, U.S. Patent No. 5,607,700 to Kando, and U.S. Patent No. 5,895,617 to Mizuguchi.

During the interview, Applicant summarized the method of the claimed invention and presented proposed amendments to claims 1, 16 and 24. Applicant then pointed out reasons why Bonner could not be combined with Balint in the manner suggested by the Examiner, and further presented comments in support of the patentability of each of claims 1, 16 and 24 over the cited art of Balint and Bonner.

Agreement was reached that claim 24, with the amendments proposed by Applicant, distinguished over the cited art. As discussed during the interview, the claimed method includes the step of introducing high velocity gas into the water and pellet slurry in the transportation piping to separate the water from the pellets. The separation of the water from the pellets does not refer to the directing of water and pellets along different routes but rather to the movement of the pellets, as created by the high velocity gas, to the inner area of the transportation piping while the water moves along the inner diameter thereof (see the specification on page 11, line 16 to page 12, line 8). This is not shown by the prior art.

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In addition, the Examiner indicated that each of claims 1 and 16 would be allowable if further amended to include a negative limitation corresponding with the text of the specification on page 6, lines 1-4. As set forth herein, claims 1 and 16 have been amended in accordance with the agreement reached during the interview. Therefore, claims 1, 16 and 24 are in condition for allowance for the reasons discussed during the interview and as briefly summarized hereinafter.

In sum, by this Amendment, claim 23 has been canceled and claims 1, 16 and 24 have been amended. Claims 1-8, 16-22 and 24-28 are pending in the application. Claims 1, 16 and 24 are independent and in condition for allowance.

The Examiner also provisionally rejected claims 1, 2, 8, 16, 17 and 23 on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1, 5, 13 and 14 of copending Application No. 10/954,349 ("the '349 application") in view of U.S. Patent No. 5,830,981 to Koreishi. The Examiner also provisionally rejected claims 1, 16 and 17 on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claim 19 of the '349 application.

Revised claims are to be filed in the '349 application to overcome the provisional double patenting rejections. If

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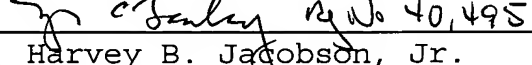

necessary, a terminal disclaimer will ultimately be filed.
Applicant requests that issuance of the initial Action in the
'349 application be deferred, if possible, until after the
mailing of the next Action in the present application.

In view of the foregoing, claims 1, 16 and 24 are in
condition for allowance, along with claims 2-8, 17-22 and 25-28
as claims properly dependent thereon and for the subject matter
contained therein. Allowance of the application is requested.

Should the Examiner have any questions or comments, the
Examiner is cordially invited to telephone the undersigned
attorney so that the present application can receive an early
Notice of Allowance.

Respectfully submitted,

JACOBSON HOLMAN PLLC

By  No. 40,495
 Harvey B. Jacobson, Jr.
Reg. No. 20,851

400 Seventh Street, NW
Washington, D.C. 20004-2201
Telephone: (202) 638-6666
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